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 Attorneys for Plaintiffs,
 KARLONG CHAN, a minor, by and through his
 Guardian Ad Litem, YUEN CHONG CHAN; and
 YUEN CHONG CHAN

E-filed 9/28/07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE

KARLONG CHAN, a minor, by and
 through his Guardian Ad Litem, YUEN
 CHONG CHAN; and YUEN CHONG
 CHAN, aka EVA CHAN,

 Plaintiffs,

 v.

 CUPERTINO UNION SCHOOL
 DISTRICT, a California School District;
 et al.,

 Defendants.

Case No. C07-01837 HRL

**STIPULATION AND
 ORDER CONTINUING THE MOTION
 TO DISMISS COMPLAINT FOR
 DAMAGES AND MOTION TO STRIKE**

Plaintiffs, KARLONG CHAN (“KARLONG”), a minor, by and through his Guardian Ad
 Litem, YUEN CHONG CHAN, and YUEN CHONG CHAN, aka EVA CHAN (“EVA”), and
 Defendants, CUPERTINO UNION SCHOOL DISTRICT (“CUSD”), RUSS OTTEY
 (“OTTEY”), SARAH CROWE, (“CROWE”), COUNTY OF SANTA CLARA (“COUNTY”),
 EMQ CHILDREN AND FAMILY SERVICES (“EMQ”), RODERICK J. MACKENZIE, JR.
 (“MACKENZIE”), CARLOS AGUILA (“AGUILA”) by and through their respective attorneys
 of record, HEREBY STIPULATE that the hearing on Defendants, CUSD, OTTEY, CROWE,
 COUNTY, EMQ, AGUILA and MACKENZIE’s Motions to Dismiss Complaint for Damages
 and Motions to Strike currently set for October 16, 2007 at 10:00 a.m. be continued for

1 approximately sixty (60) days (until December 18, 2007), or as soon thereafter as available, at
2 10:00 a.m. in Courtroom 2, 5th floor of the United States District Court, 280 South First Street,
3 San Jose, CA; the briefing schedule to be continued as well, based on the new hearing date.

4 All counsel have agreed to said continuance in order that counsel for Plaintiff may
5 substitute out of the case and allow Plaintiffs time to retain new counsel, and respond to the
6 subject motions.

7 Further, a case management conference is presently scheduled for December 18, 2007.
8 However, given that the case will not be at issue by the date of the Case Management
9 Conference or prior to the deadlines to file a Joint ADR Certification and complete initial
10 disclosures pursuant to Rule 26(f),

11 IT IS FURTHER STIPULATED AND AGREED, subject to the approval of the Court,
12 that the Case Management Conference currently set for December 18, 2007 in Courtroom 2 at
13 1:30 p.m. be continued to February 19, 2008, at 1:30 p.m. with corresponding deadlines of
14 January 29, 2008 to meet and confer under Fed. R. Civ. Pro. 26 and February 12, 2008 to file
15 Rule 26(f) Report and exchange initial disclosures and file Joint Case Management Statement.

16 Dated: September 24, 2007

CAMPBELL, WARBURTON, FITZSIMMONS,
SMITH, MENDELL & PASTORE

17 By: /s/
18 J. Michael Fitzsimmons
19 Kelly M. Laughrin,
20 Attorneys for Plaintiffs,
KARLONG CHAN and EVA CHAN

21 Dated: September 24, 2007

NEEDHAM, DAVIS, KEPNER & YOUNG, LLP

22 By: /s/
23 Mark Davis
24 Attorney for Defendants, CUPERTINO UNION
SCHOOL DISTRICT, RUSS OTTEY, and
SARAH CROWE

25 Dated: September 24, 2007

ERICKSEN, ARBUTHNOT, KILDUFF, DAY &
LINDSTROM, Inc.

26 By: /s/
27 Sharon L. Hightower
28 Attorneys for Defendants,
COUNTY OF SANTA CLARA, EMQ CHILDREN AND
FAMILY SERVICES, RODERICK J. MACKENZIE, JR.,
and CARLOS AGUILA

ORDER

Good cause appearing therefor:

IT IS HEREBY ORDERED that the hearing on Defendants, CUSD, OTTEY, CROWE, COUNTY, EMQ, AGUILA and MACKENZIE's Motion to Dismiss Complaint for Damages and Motion to Strike currently set for October 18, 2007 at 10:00 a.m. be continued until December 18, 2007, or as soon thereafter as available, at 10:00 a.m. in Courtroom 2, 5th floor of the United States District Court, 280 South First Street, San Jose, CA; the briefing schedule to be continued as well, based on the new hearing date.

IT IS FURTHER ORDERED that the Case Management Conference currently set for December 18, 2007 in Courtroom 2 at 1:30 p.m. be continued to February 19, 2008, at 1:30 p.m. with corresponding deadlines of January 29, 2008 to meet and confer under Fed. R. Civ. Pro. 26 and February 12, 2008 to file Rule 26(f) Report and exchange initial disclosures and file Joint Case Management Statement.

Dated: 9/28/07

By:


HON. HOWARD R. LLOYD
MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

PURSUANT TO GENERAL ORDER 45,

I, Kelly M. Laughrin, the ECF User transmitting and filing this Stipulation and [Proposed] Order Continuing the Motion to Dismiss Complaint for Damages and Motion to Strike, attest that I have obtained the concurrence of Sharon L. Hightower and Mark Davis on this filing. I declare under penalty of perjury.

September 24, 2007

CAMPBELL, Warburton, Fitzsimmons,
Smith, Mendell & Pastore

By: /s/
J. Michael Fitzsimmons
Kelly M. Laughrin,
Attorneys for Plaintiffs,
KARLONG CHAN and EVA CHAN